

## REMARKS

Applicant has studied the Office Action dated May 3, 2006 and has amended claims 1-4, 6-10 and 12 and canceled claims 5, 11, 13 and 14 without prejudice. New claims 15-34 are added. Claims 1-4, 6-10, 12 and 15-34 are pending. Claims 1, 8, 17, 24, 29 and 32 are independent claims.

It is submitted that the application, as amended is in condition for allowance. Reconsideration and reexamination are respectfully requested.

### Amendments to Specification

An amendment has been made to the specification at page 1 in order to claim priority to the foreign application.

### Claim for Foreign Priority under 35 U.S.C. § 119

Applicant appreciates the Examiner's acknowledgment of the Applicant's claim for foreign priority under 35 U.S.C. § 119 and indication that a certified copy of the priority document has been received.

### Amendments to the Claims

Claims 3, 4, 6, 7, 9, 10 and 12 have been amended to correct typographical or grammatical errors, correct dependency in view of canceled claims or to more clearly disclose the invention. It is respectfully submitted that the amendments have support in the application as originally filed and are not related to patentability.

### § 112 Rejections

The Examiner rejected claims 1-7 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner asserted that there is insufficient antecedent basis for the phrase "the directional arrow" at line 17 of claim 1 and the word "namely" renders claim 2 indefinite. The Examiner further indicated that

claims 3-7, which depend from claim 1, are rejected based on their dependency from a rejected base claim.

With this paper, claims 1 and 2 have been amended to delete the words to which the Examiner referred. It is respectfully asserted that the grounds for the rejections of claims 1 and 2 have been overcome. It is further respectfully asserted that the grounds for the rejections of claims 3-7 have also been overcome as those claims now depend from a claim that is in condition for allowance.

### § 102 Rejections

Claims 1-4 and 6-14 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kishi et al. ("Kishi" U.S. Patent No. 5,638,279). Applicant respectfully traverses the rejection.

It is respectfully noted that a proper rejection for anticipation under § 102 requires complete identity of invention. The claimed invention, including each element thereof as recited in the claims, must be disclosed or embodied, either expressly or inherently, in a single reference. Scripps Clinic & Research Found. v. Genentech Inc., 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991); Standard Havens Prods., Inc. v. Gencor Indus., Inc., 953 F.2d 1360, 1369, 21 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 1991).

With this paper, claims 11, 13 and 14 have been canceled without prejudice. It is, therefore, respectfully submitted that the rejection is moot with respect to claims 11, 13 and 14 and it is respectfully requested that the rejection be withdrawn.

It is respectfully noted that independent claims 1 and 8 have been amended with this paper to recite the controller is adapted to generate the indication of the vehicle's progression by one of gradually filling the arrow with color and gradually removing color from the arrow. Since this limitation was previously recited in claim 5, which has been canceled without prejudice, the rejection of independent claims 1 and 8 will be addressed with respect to claim 5.

It is respectfully noted that the Examiner, at page 4 of the Office action, indicates with respect to the 35 U.S.C § 103(a) rejection of claim 5 that "Kishi does not teach filling or emptying the arrow to indicate the progression of the vehicle" and asserts

Smith, Jr. (U.S. Pat. No. 5,323,321), and specifically "figs. 2 & 3" of Smith, as disclosing this limitation. Applicant respectfully disagrees with the Examiner's interpretation of Smith and respectfully submits that neither Kishi nor Smith discloses this limitation.

It is respectfully noted that "[t]he drawings must be evaluated for what they reasonably disclose and suggest to one of ordinary skill in the art" and "[w]hen a reference does not disclose that the drawings are to scale and is silent as to dimensions, arguments based on measurement of the drawing features are of little value." M.P.E.P. § 2125. It is respectfully submitted that FIGS. 2 and 3 of Smith are not sufficient to disclose one of gradually filling the arrow with color and gradually removing color from the arrow.

It is respectfully noted that the disclosure in Smith with respect to FIGS. 2 and 3 is that bar graph type data is "**visually superimposed** on the arrow 26" as preferably "a series of solid red color horizontal bars 27." Col. 5, ll. 14-18. It is further respectfully noted that the disclosure is the "bars 27" are preferably displayed as "having a **different visual characteristic from the arrow** 26 such as differing from the arrow 26 in either intensity and/or color" and the bar graphs 27 are "**separately implemented**" from "prestored characteristics of various arrows to be displayed." Col. 5, line 61 to col. 6, line 21 (emphasis added). Moreover, with respect to the operation of the "navigation apparatus 10" illustrated in FIG. 4, it is disclosed in "step 104" to "SUPERIMPOSE ON MANEUVER DISPLAY A CONTRASTING BAR TYPE GRAPH INDICATING REMAINING DISTANCE BEFORE MANEUVER IMPLEMENTATION" as a separate step from "step 103" to "PROVIDE DRIVER WITH AT LEAST A VISUAL PERSPECTIVE DISPLAY OF VEHICLE MANEUVERS TO BE IMPLEMENTED AT SEQUENTIAL POSITIONS ALONG ROUTE." Col. 3, ll. 56-68 and FIG. 4"

It is respectfully submitted that the bar graph disclosed in Smith, which is "separately implemented" and "visually superimposed" on the "arrow" such that it is "separate" from and has "a different visual characteristic" from the arrow, is not analogous to the arrow recited in claims 1 and 8 of the present invention. It is further respectfully submitted that one of ordinary skill in the art would **not** be motivated by the "separately implemented" and "visually superimposed" bar graph of Smith to modify the

Kishi invention to indicate the vehicle's progression by one of gradually filling the arrow with color and gradually removing color from the arrow, given that the Smith bar graph is "separate" from and has "a different visual characteristic" from the arrow.

Notwithstanding that the Smith "bar graph" is not analogous to the arrow of the present invention, it is further respectfully submitted that, even if one were to modify the Kishi invention according to the teachings of Smith, the present invention, which indicates the vehicle's progression by one of gradually filling the arrow with color and gradually removing color from the arrow, would not be attained. It is respectfully noted that FIGS. 2 and 3 of Smith illustrate an arrow with only the lower 50% or so covered by the "visually superimposed" bar graph type data. It is further respectfully noted that Smith discloses "the number of horizontal bars 27 is decremented, from the **bottom towards the top**" as the vehicle "approaches the road position at which the vehicle maneuver is to occur." Col. 5, ll. 24-31 (emphasis added).

It is respectfully submitted that the modification of the Kishi invention by the teachings of Smith would produce an arrow that has a bar graph "visually superimposed" over the arrow to create an **appearance** that the bar graph provides the lower 50% or so of the arrow with color and the vehicle's progression would be indicated by decrementing the "bar graph" from the "bottom towards the top" to create an **appearance** that the lower 50% or so of the arrow has color removed. It is respectfully submitted that the appearance that the lower 50% or so of the arrow has color or the appearance that the lower 50% or so of the arrow has color removed is not sufficient to disclose one of gradually filling the arrow with color and gradually removing color from the arrow.

It is respectfully submitted that the Examiner's assertion that FIGS. 2 and 3 of Smith disclose one of gradually filling the arrow with color and gradually removing color from the arrow is mere conjecture without support in Smith and would not be obvious to one of ordinary skill in the art upon reading Smith. It is further respectfully submitted that the Examiner has failed to show that either Kishi or the combination of Kishi and Smith teach all the limitations of amended claims 1 and 8.

Therefore, it is respectfully asserted that independent claims 1 and 8 are allowable over Kishi and Smith, either alone or in combination. It is further respectfully asserted that claims 2-4, 6 and 7, which depend from claim 1, and claims 9, 10 and 12, which depend from claim 8, also are allowable over the cited combination of references.

#### § 103 Rejections

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kishi in view of Smith. This rejection is respectfully traversed.

As previously indicated, claim 5 has been canceled without prejudice with this paper. It is, therefore, respectfully submitted that the rejection is moot with respect to claim 5 and it is respectfully requested that the rejection be withdrawn.

#### New Claims

With this paper, new claims 15-34 have been added. It is respectfully asserted that the claims, which recited limitations similar to those of claims 1-4, 6-10 and 12, are allowable for the same reasons given herein with regard to claims 1-4, 6-10 and 12.

### CONCLUSION

In view of the above remarks, Applicant submits that claims 1-2, 6-10, 12 and 15-34 of the present application are in condition for allowance. Reexamination and reconsideration of the application, as originally filed, are requested.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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